

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**ANA ROSA RODRIGUEZ OLIVERAS  
XXX-XX-9904**

**DEBTOR(S)**

**CASE NUMBER: 23-00082 (EAG)**

**CHAPTER 13**

**NOTICE OF PROPOSED AMENDMENT OF CHAPTER 13 PLAN**

**TO THE HONORABLE COURT:**

**COME(S) NOW** Debtor(s), represented by the undersigned attorney, and represents as follows:

1. Debtor propose(s) to amend **Chapter 13 Payment Plan** to:

- **Part 2 Section 2.1** to increase the base of the plan.
- **Part 3 Section 3.1** to include arrears with BPPR claim number 5-1.
- **Part 3 Section 3.2** to correct amount to be paid to FirstBank claim number 3.
- **Part 4 Section 4.4** to correct amount to be paid to Hacienda claim number 10-1
- **Part 4 Section 4.6** to correct amount of insurance to be paid.
- **Part 8 Section 8.4 and 8.5** to include provision regarding payments to FirstBank concurrently with Attorney Fees and assumption of lease.

**WHEREFORE**, it is respectfully requested from this Honorable Court approve the proposed amended Chapter 13 plan.

**I HEREBY CERTIFY:** that a true and exact copy of the foregoing motion has been filed electronically with the Clerk of the Court using CM/ECF systems which will send notification to Chapter 13 Trustee and to all and all non CM/ECF participant's interested parties to their address listed on the master address list.

***NOTICE**, to all the creditors and parties in interest listed on the attached master address list notice is hereby given that debtor(s) filed the attached amended plan on **June 28, 2023**. Parties in interest are notified that they have fourteen (14) days to reject a proposed*

*modification of the plan and request a hearing. Absent good cause, untimely rejections shall be denied.*

**IN BAYAMON, PUERTO RICO, this June 28, 2023.**

**RESPECTFULLY SUBMITTED,**

**/s/ GILMARIE COLON RALAT**  
GILMARIE COLON RALAT, ESQ.  
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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In Re:  
**ANA ROSA RODRIGUEZ OLIVERAS**  
  
**xxx-xx-9904**

Puerto Rico Local Form G

**Chapter 13 Plan dated** June 28, 2023 .

Case No.: 23-00082-EAG

Chapter 13

☒ Check if this is a pre-confirmation amended plan

☐ Check if this is a post confirmation amended plan

Proposed by:

☐ Debtor(s)

☐ Trustee

☐ Unsecured creditor(s)

If this is an amended plan, list below the sections of the plan that have been changed.

Amends plan dated January 18, 2023 (Docket no. 2)

Part 2 Section 2.1 to increase the base of the plan.

Part 3 Section 3.1 to include arrears with BPPR claim number 5-1.

Part 3 Section 3.2 to correct amount to be paid to FirstBank claim number 3.

Part 4 Section 4.4 to correct amount to be paid to Hacienda claim number 10-1

Part 4 Section 4.6 to correct amount of insurance to be paid.

Part 8 Section 8.4 and 8.5 to include provision regarding payments to FirstBank concurrently with Attorney Fees and assumption of lease.

## PART 1: Notices

**To Debtor(s):** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

*In the following notice to creditors, you must check each box that applies*

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

**If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court.** The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
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Debtor **ANA ROSA RODRIGUEZ OLIVERAS**

Case number \_\_\_\_\_

1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

## PART 2: Plan Payments and Length of Plan

### 2.1 Debtor(s) will make payments to the trustee as follows:

PMT Amount	Period(s)	Period(s) Totals	Comments
<b>\$350.00</b>	Months <b>1</b> through <b>12</b>	<b>\$4,200.00</b>	
<b>\$525.00</b>	Months <b>13</b> through <b>60</b>	<b>\$25,200.00</b>	
Subtotals	<b>60 Months</b>	<b>\$29,400.00</b>	

*Insert additional lines if needed*

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

### 2.2 Regular payments to the trustee will be made from future income in the following manner:

*Check all that apply*

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.  
☒ Debtor(s) will make payments directly to the trustee.  
☐ Other (specify method of payment): \_\_\_\_\_

### 2.3 Income tax refunds:

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

### 2.4 Additional payments:

*Check one.*

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

## PART3: Treatment of Secured Claims

### 3.1 Maintenance of payments and cure of default, if any.

*Check one.*

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.  
☒ The Debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the Debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the Debtor(s).

Name of Creditor	Collateral	Current installment payments (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if any)	Monthly PMT on arrearage	Estimated total payments by trustee
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Debtor		<b>ANA ROSA RODRIGUEZ OLIVERAS</b>		Case number			
Name of Creditor	Collateral	Current installment payments (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if any)	Monthly PMT on arrearage	Estimated total payments by trustee	
	<b>CALLE 12 S-2 SANTA MONICA Bayamon, PR 00957 Bayamon County REAL PROPERTY LOCATED IN SANTA MONICA, BAYAMON PR. ONE STORY HOUSE WITH 3 BEDROOMS, 1 BATHROOMS, LIVING ROOM, DINING ROOM, KITCHEN, GARAGE.</b>						
<b>BANCO POPULAR DE PR</b>	<b>DEBTOR'S MAIN RESIDENCE</b>	<b>\$632.00</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$2,909.70</b>	
		Disbursed by:					
		<input type="checkbox"/> Trustee		<b>0</b> Months		Starting on Plan Month	
		<input checked="" type="checkbox"/> Debtor(s)					

Insert additional claims as needed.

**3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.**

Check one.

☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.  
The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

☒ The Debtor(s) request that the court determine the value of the secured claims listed below. For each non-governmental secured claim listed below, the Debtor(s) state that the value of the secured claim should be as set out in the column headed Amount of Secured Claim. For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with the Bankruptcy Rules controls over any contrary amount listed below. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below. If no monthly payment is listed below, distribution will be pro-rated according to section 7.2.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

The holder of any claim listed below as having value in the column headed Amount of Secured Claim will retain the lien on the property interest of the Debtor(s) or the estate(s) until the earlier of:

(a) Payment of the underlying debt determined under nonbankruptcy law, or

(b) Discharge of the underlying debt under 11 U.S.C. § 1328, at which time the lien will terminate and be released by the creditor. See Bankruptcy Rule 3015.

Name of Creditor	Estimated Amount of Creditor's Total Claim	Collateral	Value of Collateral	Amount of Claims Senior to Creditor's Claim	Amount of Secured Claim	Interest Rate %	Monthly PMT to Creditor	Estimated Total of Monthly PMTs
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Debtor	ANA ROSA RODRIGUEZ OLIVERAS				Case number			
Name of Creditor	Estimated Amount of Creditor's Total Claim	Collateral	Value of Collateral	Amount of Claims Senior to Creditor's Claim	Amount of Secured Claim	Interest Rate %	Monthly PMT to Creditor	Estimated Total of Monthly PMTs
FIRSTBA NK PR	\$15,931.6 2	2015 NISSAN ROUGE S 88000 miles VIN NUMBER: 5N1AT2MT 6FC789138	\$14,739.60	\$0.00	\$14,739.60	0.00%	\$0.00	\$14,739.60
						Months	Starting on Plan Month	

Insert additional claims as needed.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

☒ None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Lien Avoidance.

Check one.

☒ None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.

Check one.

☐ None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☒ The Debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor(s) request that upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor	Collateral
AEELA	RETIREMENT CONTRIBUTION: AEELA ACCOUNT NUMBER: 9904
CP MAESTROS	SAVINGS AND SHARES: FEDECOOP ACCOUNT NUMBER: 7347
PR FCU	SHARES: PUERTO RICO FEDERAL CU ACCOUNT NUMBER: 2272

Insert additional claims as needed.

3.6 Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.

☒ Payments pursuant to 11 USC §1326(a)(1)(C):

Name of secured creditor

\$ Amount of APMP

Comments

FIRSTBANK PR	150.00	UNTIL THE CONFIRMATION OF THE PLAN
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Insert additional claims as needed.

Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

3.7 Other secured claims modifications.

Check one.

Debtor ANA ROSA RODRIGUEZ OLIVERAS Case number \_\_\_\_\_

☒ **None.** If "None" is checked, the rest of § 3.7 need not be completed or reproduced.

#### PART 4: Treatment of Fees and Priority Claims

##### 4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

##### 4.2 Trustee's fees

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

##### 4.3 Attorney's fees

Check one.

☒ **Flat Fee:** Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

☐ **Fee Application:** The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:	\$ <u>500.00</u>
Balance of attorney's fees to be paid under this plan are estimated to be:	\$ <u>3,500.00</u>
If this is a post-confirmation amended plan, estimated attorney's fees:	\$ _____

##### 4.4 Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6

Check one.

☐ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ The Trustee shall pay in full all allowed claims entitled to priority under §507, §1322(a)(2), estimated in **\$1,560.40**

<b>Name of priority creditor</b>	<b>Estimate amount of claim to be paid</b>
<u>DEPARTAMENTO DE HACIENDA</u>	<u>\$1,560.40</u>

Insert additional claims as needed.

##### 4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

##### 4.6 Post confirmation property insurance coverage

Check one.

☐ **None.** If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

☒ The Debtor(s) propose to provide post confirmation property insurance coverage to the secured creditors listed below:

Name of creditor insured	Insurance Company	Insurance coverage beginning date	Estimated insurance premium to be paid	Estimated total payments by trustee
<u>FIRSTBANK PR</u>	<u>EASTERN AMERICAN INSURANCE CO</u>	<u>07/2025</u>	<u>\$50.00</u>	<u>\$1,530.00</u>

Disbursed by:

☒ Trustee  
☐ Debtor(s)

Debtor ANA ROSA RODRIGUEZ OLIVERAS

Case number \_\_\_\_\_

## PART 5: Treatment of Nonpriority Unsecured Claims

### 5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

*Check all that apply.*

- ☐ The sum of \$ \_\_\_\_\_.
- ☐ \_\_\_\_\_% of the total amount of these claims, an estimated payment of \$ \_\_\_\_\_.
- ☒ The funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☐ If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ \_\_\_\_\_.

### 5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

*Check one.*

- ☒ **None.** If “None” is checked, the rest of § 5.2 need not be completed or reproduced.

### 5.3 Other separately classified nonpriority unsecured claims.

*Check one.*

- ☒ **None.** If “None” is checked, the rest of § 5.3 need not be completed or reproduced.

## PART 6: Executory Contracts and Unexpired Leases

### 6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

*Check one.*

- ☒ **None.** If “None” is checked, the rest of § 6.1 need not be completed or reproduced.

## PART 7: Vesting of Property of the Estate & Plan Distribution Order

### 7.1 Property of the estate will vest in the Debtor(s) upon

*Check the applicable box:*

- ☐ Plan confirmation.
- ☒ Entry of discharge.
- ☐ Other: \_\_\_\_\_

### 7.2 Plan distribution by the trustee will be in the following order:

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney’s Fees (Part 4, Section 4.3)
1. Distribution on Secured Claims (Part 3, Section 3.1) – *Current contractual installment payments*
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)
2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments
3. Distribution on Secured Claims (Part 3, Section 3.2)
3. Distribution on Secured Claims (Part 3, Section 3.3)
3. Distribution on Secured Claims (Part 3, Section 3.4)
3. Distribution on Unsecured Claims (Part 6, Section 6.1)
4. Distribution on Priority Claims (Part 4, Section 4.4)
5. Distribution on Priority Claims (Part 4, Section 4.5)
6. Distribution on Unsecured Claims (Part 5, Section 5.2)
6. Distribution on Unsecured Claims (Part 5, Section 5.3)
7. Distribution on General Unsecured claims (Part 5, Section 5.1)



Debtor ANA ROSA RODRIGUEZ OLIVERAS

Case number \_\_\_\_\_

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

## **PART 8: Nonstandard Plan Provisions**

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### **8.1 Check "None" or list the nonstandard plan provisions**

**8.2 This Section modifies LBF-G, Part 2, and Section 2.3:** Income Tax Refunds to be used to fund the plan: Tax refunds will be devoted each year, as periodic payments, to fund the plan until the plan's completion. The tender of such payments shall deem the plan modified by such amount, increasing the base without the need of further Notice, Hearing or Court Order. If the Debtor(s) need(s) to the use all or portion of such "Tax Refunds", Debtor(s) shall seek Court's authorization prior to any use of funds.

**8.3 This Section modifies LBF-G, Part 3: Retention of Lien:** The lien holder of any allowed secured claim, provided for by the plan, in its Part 3, will retain its lien according to the terms and conditions required by 11 USC 1325 (a)(5)(B)(i)(I) &(II).

**8.4 This provision modifies Part 7, Section 7.2, to provide for concurrent distribution of attorney's fees (section 4.3) with creditor provided for in section 3.2:** after any distribution of *adequate protection payments* made pursuant to part 3, section 3.6, the trustee is to disburse, until paid in full, \$150.00 of each plan payment to first bank claim number 3-1 as provided for in part 3, section 3.2, and the rest of the plan payment to cover attorney's fees pursuant to part 4, section 4.3 of the plan. After attorneys fees are paid in full trustee to disburse payment in full to first bank.

**8.5 This Provision Supplements Part 6, Section 6.1: Assume of Lease Contract:** The following Lease Contract is **ASSUMED**: Creditor FirstBank Puerto Rico claim number 2-1. This vehicle is paid by a third party.

## **PART 9: Signature(s)**

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/s/ GILMARIE COLON RALAT, ESQ  
GILMARIE COLON RALAT, ESQ  
Signature of Attorney of Debtor(s)

Date June 28, 2023

/s/ ANA ROSA RODRIGUEZ OLIVERAS  
ANA ROSA RODRIGUEZ OLIVERAS

Date June 28, 2023

By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Local Form G (LBF-G), other than any nonstandard provisions included in Part 8.

ANA ROSA RODRIGUEZ OLIVERAS  
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